

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Advisory Action dated September 26, 2005, the RCE filed on October 3, 2005, and the telephone interview with the Examiners on October 13, 2005.

Applicants thank the Examiner and her Supervisor for taking the time to conduct the telephone interview.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 3-8 and 14-16 are under consideration in this application. Claims 3-7 and 14-15 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention.

The claims are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Interview Summary

Regarding the pending new matter rejection raised in the Advisory Action and caused by the prior amendments of "in comparing gene expression levels of a plurality of *common* genes for different samples A, B, C" in to the preamble and the end of claim 3, the Examiners indicated that the word "common" was used in a way susceptible to more than one meaning. For example, the recitation can be read as "commonly expressed" genes. To reflect the embodiment described on page 12 and depicted in Fig. 1, the relevant recitation may be changed into "a plurality of genes found in different Samples."

Formality Rejection

Claims 3-8 and 14-17 were rejected under 35 U.S.C. § 112, first paragraph, for containing new matters and raised new issues.

As indicated, claim 3 and its dependant claims are being amended into "a plurality of ~~common~~ genes [[for]] found in different samples Samples" as accepted by the Examiners. Accordingly, the withdrawal of the informality rejection raised in the Advisory Action is in order, and is therefore respectfully solicited.

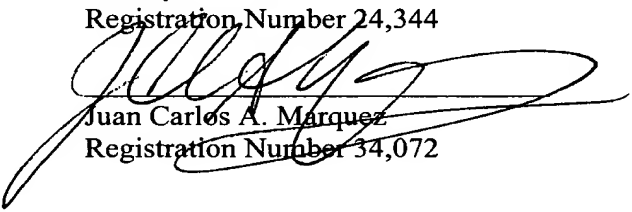
Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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